

NATURALIZATION

Treaty signed at Carlsruhe July 19, 1868

Senate advice and consent to ratification April 12, 1869

Ratified by the President of the United States April 18, 1869

Ratified by Baden November 24, 1869

Ratifications exchanged at Berlin December 7, 1869

Entered into force December 7, 1869

Proclaimed by the President of the United States January 10, 1870

Obsolete

16 Stat. 731; Treaty Series 15

The President of the United States of America and his Royal Highness the Grand Duke of Baden, led by the wish to regulate the citizenship of those persons who emigrate from Baden to the United States of America, and from the United States of America to the territory of the Grand Duchy, have resolved to treat on this subject, and have for that purpose appointed plenipotentiaries, that is to say: The President of the United States of America, George Bancroft, envoy extraordinary and minister plenipotentiary from the said States near the Grand Duke of Baden; and his Royal Highness the Grand Duke of Baden, his president of the ministry of the grand-ducal house and of foreign affairs and chamberlain, Rudolph von Freydorf, who have agreed to and signed the following articles:

ARTICLE I

Citizens of the Grand Duchy of Baden, who have resided uninterruptedly within the United States of America five years, and before, during, or after that time have become or shall become naturalized citizens of the United States, shall be held by Baden to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America, who have resided uninterruptedly within the Grand Duchy of Baden five years, and before, during, or after that time have become or shall become naturalized citizens of the Grand Duchy of Baden, shall be held by the United States to be citizens of Baden, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE II

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for action punishable by the laws of his original country, and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment. In particular, a former Badener who, under the first article, is to be held as an American citizen, is liable to trial and punishment according to the laws of Baden for non-fulfilment of military duty—

1. If he has emigrated after he, on occasion of the draft from those owing military duty, has been enrolled as a recruit for service in the standing army.

2. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time.

3. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former Badener, naturalized in the United States, who, by or after his emigration, has transgressed or shall transgress the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one to three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfilment of his military duty. Moreover, the attachment on the property of an emigrant for non-fulfilment of his military duty, except in the cases designated in the clauses numbered one to three, shall be removed so soon as he shall prove his naturalization in the United States according to the first article.

ARTICLE III

The convention for the mutual delivery of criminals, fugitives from justice, concluded between the Grand Duchy of Baden on the one part and the United States of America on the other part, the thirtieth day of January, one thousand eight hundred and fifty-seven,¹ remains in force without change.

ARTICLE IV

The emigrant from one state who, according to the first article, is to be held as a citizen of the other state shall not on his return to his original country be constrained to resume his former citizenship; yet if he shall of his own accord reacquire it and renounce the citizenship obtained by naturalization, such a renunciation is allowed, and no fixed period of residence shall

¹ TS 14, *ante*, p. 1.

be required for the recognition of his recovery of citizenship in his original country.

ARTICLE V

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall remain in force until the end of twelve months after either of the contracting parties shall have given notice of such intention.

ARTICLE VI

The present convention shall be ratified by his Royal Highness the Grand Duke of Baden and by the President, by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Carlsruhe as soon as possible.

In faith whereof the plenipotentiaries have signed and sealed this convention.

Carlsruhe, the 19 July, 1868.

GEORGE BANCROFT	[SEAL]
v. FREYDORF	[SEAL]